

Appl. No. 10/712,239
Docket No. 9103M
Amdt. dated September 4, 2007
Reply to Office Action mailed on April 3, 2007
Customer No. 27752

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REMARKS

Claim Status

Claims 1-11 are pending in the present application. No additional claims fee is believed to be due.

Claims 1 and 10 has been amended to more specifically characterize the substrate. Support for this amendment is provided on page 5, lines 5-30 and page 7, lines 16-20.

Claims 12-20 have been canceled.

Rejection Under 35 USC §103(a) Over DOBRIN et al. (US 6,383,431 B1)

Claims 1-11 have been rejected under 35 USC §103(a) as being unpatentable over DOBRIN (US 6,383,431) in view of SMITH (US 3,616,157). This rejection was addressed in the response to the previous Office Action. According to the latest Office Action, the arguments presented therein were not persuasive.

Applicant had previously amended independent claim 1 to claim the second region comprises a strained region forming a protruding element and argued that the secondary reference of SMITH reveals no reference to a strained region forming a protruding element locked by a reinforcing means selected from the group consisting of thermal bonding, chemical bonding, ionic bonding, adhesive bonding and combinations thereof. According to the Office Action the primary reference of DOBRIN et al. provides a similar texturing method that includes incremental stretching similar to that described by the present invention that produced similar protruding elements. The Office Action relies on the secondary reference of SMITH to further provide the material of DOBRIN et al. with a reinforcing means by way of thermal bonding to enhance the wiping and cleaning efficiency of the material of DOBRIN et al. According to the Office Action, the strained region is present in the primary reference of DOBRIN et al. and relies on SMITH et al. to provide the material with thermal bonding.

To establish a prima facie case of obviousness, the Office must perform the factual inquiries as enunciated in the *Graham v. John Deere Co.*, 383 U.S. 1 (1966). Furthermore, a prima facie case of obviousness must also meet three basic criteria: (i) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings, (ii) there must be a reasonable expectation of success,

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and (iii) the prior art reference or combined references must teach or suggest all the claim limitations. In establishing a prima facie case of obviousness, the burden of proof is on the Office to produce a factual basis for its rejection. A prima facie case of obviousness that fulfills these requirements has not been established for pending claims 1-11.

1. The necessary motivation required for combining SMITH with DOBRIN fails to exist.

DOBRIN teaches modifying physical properties of a nonwoven fibrous web for use as a component of a disposable absorbent article. The physical properties of the nonwoven web are modified by a texturing method that includes incremental stretching similar to that described by the present invention that produces similar protruding elements. Unlike the present invention, the nonwoven web of DOBRIN is attached to a second component (i.e. a film) to form a component of a disposable absorbent article. Therefore, the textured nonwoven of DOBRIN does not require a reinforcement means to lock the protruding elements as claimed. Thus, one skilled in the art would not be motivated to combine DOBRIN with the secondary reference SMITH to further provide the material of DOBRIN with a reinforcing means by way of thermal bonding. Further, Smith teaches embossing the substrate forming compacted areas which lie in the planes of the top and bottom surfaces of the substrate. (Column 3, lines 31-34) Smith does not teach a substrate having a strained region forming a protruding element extending beyond a surface plane of the substrate.

2. There's no reasonable expectation of success in combining SMITH with DOBRIN.

DOBRIN is directed to disposable absorbent articles comprising soft, cloth-like, liquid impervious backsheets and other absorbent article components such as topsheets, cuffs and other structural members (Column 4, lines 16-20), therefore, there is no reasonable expectation of success associated with combining the textured substrate of DOBRIN with the embossed nonwoven wipe fabric of SMITH. In addition, the embossments of SMITH can result in stiff, boardy regions (Column 1, lines 47-50) which are undesirable for soft, cloth-like components forming disposable absorbent articles.

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3. The combination of DOBRIN and SMITH do not teach or suggest all the claim limitations.

The combination of Dobrin and Smith does not result in the claimed invention. Column 3, lines 31-45 of SMITH describes embossed, compacted fibrous areas which lie in planes of substantially parallel top and bottom surfaces of a nonwoven fabric. These compacted areas of SMITH are compressed as opposed to being strained like the second regions of the invention as claimed. The second regions of the claimed invention comprise strained protruding elements which are capable of greater geometric deformation than the first regions. (Page 6, lines 4-27 of the specification) The strained protruding elements are reinforced to withstand deformation caused by external forces. Contrary to the Office Action, the combination of DOBRIN and SMITH does not result in "a strained region forming a protruding element extending beyond a plane of the substrate locked by a reinforcing means" as claimed. Consequently, the combination of DOBRIN and SMITH does not teach all of the claim limitations of claims 1-11.

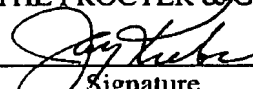
Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendment presented herein, and allowance of claims 1-11 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


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